

Exhibit 1

[Proposed] Answer to Complaint

David R. Fox (NV Bar No. 16536)
Christopher D. Dodge (*pro hac vice forthcoming*)
Marisa A. O’Gara (*pro hac vice forthcoming*)
Elias Law Group LLP
250 Massachusetts Ave NW, Suite 400
Washington, DC 20001
(202) 968-4490
dfox@elias.law
cdodge@elias.law
mogara@elias.law

Bradley S. Schrager (NV Bar No. 10207)
Daniel Bravo (NV Bar No. 13078)
Bravo Schrager LLP
6675 South Tenaya Way, Suite 200
Las Vegas, NV 89113
(702) 996-1724
bradley@bravoschrager.com
daniel@bravoschrager.com

Attorneys for Intervenor-Defendants
Rise Action Fund, Institute for a Progressive Nevada, and Nevada Alliance
for Retired Americans

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

REPUBLICAN NATIONAL COMMITTEE,
NEVADA REPUBLICAN PARTY, and
SCOTT JOHNSTON,

Plaintiffs,

v.

FRANCISCO AGUILAR, in his official
capacity as Nevada Secretary of State;
LORENA PORTILLO, in her official capacity
as the Registrar of Voters for Clark County;
WILLIAM “SCOTT” HOEN, AMY
BURGANS, STACI LINDBERG, and JIM
HINDLE, in their official capacities as County
Clerks,

Defendants.

Case No. 2:24-cv-00518-CDS-MDC

**[PROPOSED] ANSWER TO
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Proposed Intervenor-Defendants Rise Action Fund (“RISE”), the Institute for a Progressive Nevada (“The Institute”), and the Nevada Alliance for Retired Americans (“The Alliance”) (collectively, “Proposed Intervenor”), by and through their attorneys, submit the following Answer to Plaintiffs’ Complaint for Declaratory and Injunctive Relief (“Complaint”). Proposed Intervenor respond to the allegations in the Complaint as follows:

INTRODUCTION

1. Paragraph 1 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

2. Denied.

3. Denied.

4. Proposed Intervenor deny that the number of voters registered in any Nevada county is impossibly high. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 4 and therefore deny them.

5. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and therefore deny them.

6. Denied.

JURISDICTION AND VENUE

7. Paragraph 7 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

8. Admitted.

PARTIES

9. Admitted.

10. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 10 and therefore deny them.

11. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 11 and therefore deny them.

12. Proposed Intervenor lack knowledge and information sufficient to form a belief as

1 to the truth of the allegations in Paragraph 12 and therefore deny them.

2 13. Proposed Intervenor deny that Defendants have failed to comply with the NVRA's
3 voter-list maintenance obligations. Proposed Intervenor lack knowledge and information
4 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 13 and therefore
5 deny them.

6 14. Proposed Intervenor lack knowledge and information sufficient to form a belief as
7 to the truth of the allegations in Paragraph 14 and therefore deny them.

8 15. Proposed Intervenor admit that Plaintiff Nevada Republican Party is a political
9 party in Nevada with its principal place of business at 2810 West Charleston Blvd. #69, Las Vegas,
10 NV 89102. Proposed Intervenor lack knowledge and information sufficient to form a belief as to
11 the truth of the remaining allegations in Paragraph 15 and therefore deny them.

12 16. Proposed Intervenor lack knowledge and information sufficient to form a belief as
13 to the truth of the allegations contained in Paragraph 16 and therefore deny them.

14 17. Proposed Intervenor lack knowledge and information sufficient to form a belief as
15 to the truth of the allegations contained in Paragraph 17 and therefore deny them.

16 18. Proposed Intervenor lack knowledge and information sufficient to form a belief as
17 to the truth of the allegations contained in Paragraph 18 and therefore deny them.

18 19. Proposed Intervenor deny that Defendants do not maintain accurate voter rolls and
19 that Mr. Johnston's right to vote has been or will be burdened or diluted. Proposed Intervenor
20 lack knowledge and information sufficient to form a belief as to the truth of the remaining
21 allegations contained in Paragraph 19 and therefore deny them.

22 20. Proposed Intervenor lack knowledge and information sufficient to form a belief as
23 to the truth of the allegations contained in Paragraph 20 and therefore deny them.

24 21. Denied.

25 22. Proposed Intervenor deny that Defendants have failed to comply with their list-
26 maintenance obligations. Proposed Intervenor lack knowledge and information sufficient to form
27 a belief as to the truth of the remaining allegations in Paragraph 22 and therefore deny them.

23. Denied.

24. Admitted.

25. Proposed Intervenorors admit that Lorena Portillo is the Registrar of Voters for Clark County with certain responsibilities described by law and is sued in her official capacity. Proposed Intervenorors lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 25 and therefore deny them.

26. Proposed Intervenorors admit that William “Scott” Hoen is the Clerk for Carson City and that he is sued in his official capacity. Proposed Intervenorors lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 26 and therefore deny them.

27. Proposed Intervenorors admit that Amy Burgans is the Clerk for Douglas County and that she is sued in her official capacity. Proposed Intervenorors lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 27 and therefore deny them.

28. Proposed Intervenorors admit that Staci Lindberg is the Clerk for Lyon County and that she is sued in her official capacity. Proposed Intervenorors lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 28 and therefore deny them.

29. Proposed Intervenorors admit that Jim Hindle is the Clerk for Storey County and that he is sued in his official capacity. Proposed Intervenorors lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 29 and therefore deny them.

BACKGROUND

I. Federal law requires States to maintain accurate voter rolls.

30. Paragraph 30 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

31. Proposed Intervenorors deny the first sentence in Paragraph 31. The second sentence

1 in Paragraph 31 contains legal contentions, characterizations, conclusions, and opinions to which
2 no response is required.

3 32. Paragraph 32 contains legal contentions, characterizations, conclusions, and
4 opinions to which no response is required.

5 33. Paragraph 33 contains legal contentions, characterizations, conclusions, and
6 opinions to which no response is required.

7 34. Paragraph 34 contains legal contentions, characterizations, conclusions, and
8 opinions to which no response is required.

9 35. Paragraph 35 contains legal contentions, characterizations, conclusions, and
10 opinions to which no response is required.

11 36. Paragraph 36 contains legal contentions, characterizations, conclusions, and
12 opinions to which no response is required.

13 37. Paragraph 37 contains legal contentions, characterizations, conclusions, and
14 opinions to which no response is required.

15 38. Proposed Intervenor admits that the language quoted above appears in the Carter-
16 Baker Report but deny the underlying allegations.

17 39. Paragraph 39 contains legal contentions, characterizations, conclusions, and
18 opinions to which no response is required.

19 40. Denied.

20 41. Proposed Intervenor admits that since the passage of Assembly Bill 321 in 2021,
21 all active registered voters in Nevada receive a ballot by mail unless they submit an opt-out form
22 to their respective county clerks. Proposed Intervenor denies the remaining allegations in Paragraph
23 41.

24 42. Paragraph 42 contains legal contentions, characterizations, conclusions, and
25 opinions to which no response is required.

26 **II. Defendants have specific obligations under the NVRA.**

27 43. Paragraph 43 contains legal contentions, characterizations, conclusions, and
28

1 opinions to which no response is required.

2 44. Paragraph 44 contains legal contentions, characterizations, conclusions, and
3 opinions to which no response is required.

4 45. Paragraph 45 contains legal contentions, characterizations, conclusions, and
5 opinions to which no response is required.

6 46. Paragraph 46 contains legal contentions, characterizations, conclusions, and
7 opinions to which no response is required.

8 47. Paragraph 47 contains legal contentions, characterizations, conclusions, and
9 opinions to which no response is required.

10 **III. Defendants have failed to comply with their list-maintenance obligations.**

11 48. Proposed Intervenorors deny that Nevada's registration records are inaccurate. The
12 remaining allegations in Paragraph 48 are legal contentions, characterizations, conclusions, and
13 opinions to which no response is required.

14 49. Proposed Intervenorors lack knowledge and information sufficient to form a belief as
15 to the truth of the allegations in Paragraph 49 and therefore deny them.

16 50. Proposed Intervenorors lack knowledge and information sufficient to form a belief as
17 to the truth of the allegations in Paragraph 50 and therefore deny them.

18 51. Proposed Intervenorors lack knowledge and information sufficient to form a belief as
19 to the truth of the allegations in Paragraph 51 and therefore deny them.

20 52. Denied.

21 53. Proposed Intervenorors lack knowledge and information sufficient to form a belief as
22 to the truth of the allegations in Paragraph 53 and therefore deny them.

23 54. Proposed Intervenorors lack knowledge and information sufficient to form a belief as
24 to the truth of the allegations in Paragraph 54 and therefore deny them.

25 55. Proposed Intervenorors lack knowledge and information sufficient to form a belief as
26 to the truth of the allegations in Paragraph 55 and therefore deny them.

27 56. Denied.

1 57. Denied.

2 58. Denied.

3 59. Denied.

4 60. Admitted.

5 61. Admitted.

6 62. Proposed Intervenor lack knowledge and information sufficient to form a belief as
7 to the truth of the allegations in Paragraph 62 and therefore deny them.

8 63. Proposed Intervenor admit that according to the EAC survey, Mineral County and
9 Esmeralda County reported removing less than 2% of their registration lists for residency changes.
10 Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of
11 the remaining allegations in Paragraph 63 and therefore deny them.

12 64. Proposed Intervenor deny that the number of voters removed due to changes in
13 residency in Esmeralda, Lincoln, Mineral, and Storey Counties is implausibly low. Proposed
14 Intervenor lack knowledge and information sufficient to form a belief as to the truth of the
15 remaining allegations in Paragraph 64 and therefore deny them.

16 65. Denied.

17 66. Proposed Intervenor admit that the EAC report shows 359,403 inactive
18 registrations in Nevada in 2022, that according to the EAC report, this constitutes 16.3% of the
19 total registrations in Nevada, and that according to the EAC report the national average for that
20 figure is 11.1%, which is a lower number. Proposed Intervenor denies the remaining allegations in
21 Paragraph 66.

22 67. Denied.

23 68. Proposed Intervenor lack knowledge and information sufficient to form a belief as
24 to the truth of the allegations in Paragraph 68 and therefore deny them.

25 69. Denied.

26 70. Denied.

27 71. Denied.

72. Denied.

73. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 73, which refer to an uncited, unidentified case, and therefore deny them.

74. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 74, which refer to an uncited, unidentified case, and therefore deny them.

75. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 75, which refer to an uncited, unidentified case, and therefore deny them.

76. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 76, which refer to an uncited, unidentified case, and therefore deny them.

77. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 77, which refer to an uncited, unidentified case, and therefore deny them.

78. Proposed Intervenor lack knowledge and sufficient to form a belief as to the truth of the allegations in Paragraph 78, which refer to an uncited, unidentified case, and therefore deny them.

IV. Plaintiffs provided Defendants notice of their statutory violations.

79. Paragraph 79 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

80. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 80 and therefore deny them.

81. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 81 and therefore deny them.

82. Proposed Intervenor lack knowledge and information sufficient to form a belief as

1 to the truth of the allegations in Paragraph 82 and therefore deny them.

2 83. Proposed Intervenors lack knowledge and information sufficient to form a belief as
3 to the truth of the allegations in Paragraph 83 and therefore deny them.

4 84. Proposed Intervenors lack knowledge and information sufficient to form a belief as
5 to the truth of the allegations in Paragraph 84 and therefore deny them.

6 85. Proposed Intervenors lack knowledge and information sufficient to form a belief as
7 to the truth of the allegations in Paragraph 85 and therefore deny them.

8 86. Proposed Intervenors lack knowledge and information sufficient to form a belief as
9 to the truth of the allegations regarding Paragraph 86 and therefore deny them.

10 87. Proposed Intervenors lack knowledge and information sufficient to form a belief as
11 to the truth of the allegations in Paragraph 87 and therefore deny them.

12 88. Denied.

13 89. Paragraph 89 contains legal contentions, characterizations, conclusions, and
14 opinions to which no response is required.

15 90. Denied.

16 91. Denied.

17 92. Denied.

18 **COUNT**

19 **Violation of the NVRA**

20 93. Proposed Intervenors incorporate the responses to Paragraphs 1-92 as if set forth
21 fully herein.

22 94. Denied.

23 95. Denied.

24 96. Denied.

25 97. Denied.

26 **AFFIRMATIVE DEFENSES**

27 Proposed Intervenors set forth their affirmative defenses without assuming the
28

burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Plaintiffs. Moreover, nothing stated here is intended or shall be construed as an admission that any particular issue or subject matter is relevant to the allegations in the complaint. Proposed Intervenor reserve the right to amend or supplement their affirmative defenses as additional facts concerning defenses become known.

As separate and distinct affirmative defenses, Proposed Intervenor allege as follows:

1. Plaintiffs fail to state a claim on which relief can be granted.
2. This Court lacks subject matter jurisdiction.
3. Plaintiffs do not have Article III standing.
4. Plaintiffs lack a private right of action.
5. Plaintiffs' claims are equitably barred.

PRAYER FOR RELIEF

WHEREFORE, Proposed Intervenor ask this Court to enter judgment in their favor and provide the following relief:

- A. Deny that Plaintiffs are entitled to any relief;
- B. Dismiss Plaintiffs' complaint in its entirety, with prejudice; and
- C. Grant such other and further relief as the Court may deem just and proper.

///

///

///

///

///

///

///

///

Dated: March 21, 2024

Respectfully submitted,

ELIAS LAW GROUP LLP

By: /s/ David R. Fox

David R. Fox (NV Bar No. 16536)
Christopher D. Dodge (*pro hac vice*
forthcoming)
Marisa A. O’Gara (*pro hac vice*
forthcoming)
Elias Law Group LLP
250 Massachusetts Ave NW, Suite 400
Washington, DC 20001
(202) 968-4490
dfox@elias.law
cdodge@elias.law
mogara@elias.law

Bradley S. Schrager (NV Bar No.
10217)
Daniel Bravo (NV Bar No. 13078)
Bravo Schrager LLP
6675 South Tenaya Way, Suite 200
Las Vegas, NV 89113
(702) 996-1724
bradley@bravoschrager.com
daniel@bravoschrager.com

*Attorneys for Proposed Intervenor-
Defendants*